REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested.

As noted above, the foregoing amendment is presented as a substitute amendment in view of the communication dated January 3, 2011. That is, the content of the earlier-presented RCE/amendment filed December 14, 2009, is assumed not to have been entered and, therefore, the amendments requested above combine the earlier-requested amendments with some further requested amendments.

As will be noted, the above amendments to the claimed distributed storage network now focus more closely upon the host computer data stores. The first exemplary embodiment depicted in Fig. 1 comprises a number of desktop PCs 10, 14, 16, 18 and 20 in a LAN as well as a server computer 12 and a wireless LAN as well having a wireless connection to laptop computer 26 and laptop computer 28, etc. A personal digital assistant 22 is also wirelessly connected to the LAN. As will be immediately apparent to those skilled in the art, each of these LAN-connected devices includes a data store or memory. Indeed, the first embodiment as described at pages 6-21 of the specification (in connection with Figs. 1-9) details the operation of the exemplary client computer code comprising various modules including those identified in applicants' independent claims, for example.

If the Examiner desires any further assistance in locating antecedent basis in the specification or various claim recitations (whether as originally presented or via the above amendments), it is respectfully requested that the undersigned be telephoned for prompt resolution.

The formality-based objections to the drawings and/or rejections based on the first paragraph of 35 U.S.C. §112 are assumed to have been overcome by the earlier filed response of December 14, 2009, because this was not presented as an alleged deficiency in the earlier filed response. If there is any remaining formality-based objection/rejection issue, then the Examiner is respectfully requested to telephone the undersigned for prompt resolution.

The apparently continuing rejection of claims 1, 2, 5, 10, 13 and 16-21 under 35 U.S.C. §103 as allegedly being made "obvious" based on Jaskiewicz '491 in view of Rhea is again respectfully traversed.

Although independent claim 15 was not included in the formally stated ground of rejection in the first sentence of the section numbered "7" at page 4 of the final office action mailed June 12, 2009, it is noted that the Examiner has included a discussion of claim 15 at pages 9-10 of the last office action and, therefore, it is assumed that the Examiner intended to include claim 15 in this first ground of rejection, and such is, therefore, also respectfully traversed.

The rejection of dependent claims 6-9 under 35 U.S.C. §103 as allegedly being made "obvious" based on Jaskiewicz/Rhea in further view of "official notice" is also respectfully traversed – as is the rejection of claims 11-12 under 35 U.S.C. §103 based on Jaskiewicz/Rhea in further view of Chatterjee '815 and the rejection of claim 14 under 35 U.S.C. §103 as allegedly being made "obvious" based on Jaskiewicz/Rhea in further view of Stadel '590.

So as to avoid undue redundancy, the applicants' earlier remarks submitted December 14, 2009, with respect to reasons for traversal of this ground of rejection are hereby incorporated by reference.

However, the communication dated January 3, 2011, asserts that this earlier sub-mission was incomplete in that it was not "fully responsive to the prior office action because the response/remarks did not specifically point out the difference between the prior art and the claimed inventions." Accordingly, the following supplemental remarks are directed to this alleged deficiency.

To expedite detailed and specific pointing out of differences between the prior art and the claimed inventions, each of the independent claims will be separately consid-ered below.

Neither Jaskiewicz nor Rhea teaches at least the following recited claim 1 feature:

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> *"wherein each of said host computers stores host code including:*
>
> *d) storage condition reception code executable to receive said one or more interpretable storage conditions from said client computer or another of said host computers."*

The words "said one or more interpretable storage conditions" are defined in step b) of claim 1 to be:

> *"one or more interpretable storage conditions indicating characteristics of one host computer stores suitable for storing said data item."*

It is incorrect to suggest that because Rhea teaches sending a message via one or more nodes to a destination node specified in the message, it is obvious to take the storage conditions seen in Jaskiewicz and replace the indication of the destination node in the message with those storage conditions. Doing so would destroy the functionality of Rhea, since the message would no longer reach its intended destination. In short, the combination of Rhea and Jaskiewicz is unworkable.

Claim 15

Neither Jaskiewicz nor Rhea teaches at least the following recited claim 15 feature:

> *"each of said computers having access to processor executable code, said code comprising:*
>
> ....

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> *d) storage condition reception code executable to receive one or more interpretable storage conditions from another of said computers."*

The words "said one or more interpretable storage conditions" are defined in step

b) of claim 15 to be:

> *"one or more interpretable storage conditions indicating characteristics of one or more computer stores suitable for storing said data item."*

The same argument presented above in relation to claim 1 also applies to claim

15.

Claim 16

Neither Jaskiewicz nor Rhea teaches at least the following recited claim 16

feature:

> *"operating said host computer to:*
>
> *d) receive said one or more interpretable storage conditions from said client computer or another of said host computers."*

The words "said one or more interpretable storage conditions" are defined in step

b) of claim 16 to be:

> *"one or more interpretable storage conditions indicating characteristics of host computer stores suitable for storing said data item."*

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The same argument presented above in relation to claim 1 also applies to claim

16.

Claim 20

Neither Jaskiewicz nor Rhea teaches at least the following recited claim 20

feature:

> *"said host computer storing host code including:*
>
> *a) storage condition reception code executable to receive said one or more interpretable storage conditions from said client computer or another of said host computers."*

The words "said one or more interpretable storage conditions" are defined in the

preceding part of claim 20 to be:

> *"one or more interpretable storage conditions indicating characteristics of stores suitable for storing said data item."*

The same argument presented above in relation to claim 1 also applies to claim

20.

Claim 21

Neither Jaskiewicz nor Rhea teaches at least the following recited claim 21

feature:

> *"operating said host computer to:*
>
> *a) receive said one or more interpretable storage conditions from said client computer or another of said host computers."*

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The words "said one or more interpretable storage conditions" are defined in the

preceding part of claim 21 to be:

> *"one or more interpretable storage conditions indicating*
> *characteristics of host computer stores suitable for storing*
> *said data item."*

The same argument presented above in relation to claim 1 also applies to claim

21.

Given the fundamental deficiencies of both the primary and secondary refer-

ences used to reject each and every claim as noted above, it is not necessary at this

time to detail additional deficiencies of the various allegedly "obvious" combinations of

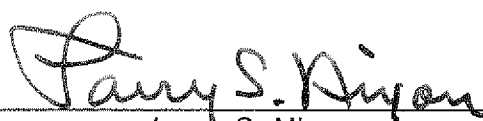references with respect to other aspects of the rejected claims.

The Examiner's attention is also drawn to the supplemental IDSs filed January 6,

2010, and December 14, 2010. Appropriate consideration and return of fully initialled,

signed and dated copies of the Forms PTO/SB/08a are respectfully requested.

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Accordingly, all outstanding issues are now believed to have been resolved in the applicants' favor, thus placing this case in fully allowed condition, and a formal notice to that effect is earnestly solicited.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____
Larry S. Nixon
Reg. No. 25,640

LSN:lef

901 North Glebe Road, 11th Floor
Arlington, VA   22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100